

REMARKS

Reconsideration and allowance of all claims are requested.

The following part numbers refer to the part numbers in the office action.

1. It is requested that Bremer and Carson be withdrawn as a reference 6,402,932 under 35 U.S.C. 102(a).

MPEP 706.02(a) C. specifically points out:

for 35 U.S.C. 102(a) to apply the reference must have a publication date earlier in time than the effective filing date of the application and must not be applicant's own work. (emphasis supplied)

§102(a) requires that the invention was known or used by others.

706.02(a) states the reference must not be Applicant's own work to apply a reference under 102(a).

35 U.S.C. 102 states:

A person shall be entitled to a patent unless

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or... (emphasis supplied)

Clearly Bremer and Carson 6,402,932 is the Applicant's own work.

Both Bremer and Carson and the present application were assigned to C&M Group and are owned by Scimist Corp.

Bremer and Carson are inventors of the present application.

Clearly Bremer and Carson 6,402,932 is the Applicant's own work and is not eligible as prior art under §35 U.S.C. 102(a).

2.,3., 4. Claim 207 has been amended to depend from claim 204, avoiding the §112 rejection in Parts 2, 3 and 4 of the rejection.

5., 6. Since the Bremer and Carson 6,402,932 is Applicant's own work and is not eligible as a reference under §102(a), the rejection in Part 5 should be withdrawn.

7. Surma does not anticipate any of claims 178, 181, 183, 187, 193 and 200.

Claim 178 distinguishes the invention from Surma by specifically pointing out the tables, for example.

Claim 181 distinguishes the invention from Surma by specifically pointing out the anolyte reaction chamber temperature control of the anolyte reaction chamber temperature by a heater and chiller, that is not found in Surma.

Claim 183 distinguishes the invention from Surma by pointing out the anolyte off gas cleaning system that is not found in Surma.

Claim 187 points out heaters and a chiller coupled to the catholyte system, which are not found in Surma. Surma has one heat exchanger 122 for the electro chemical cell 100 and a cooler 126 for off gas scrubber 124.

Claim 193 points out the controller system with programmable logic controllers (PLCs) coupled to pneumatic controls for monitoring, displaying and executing operational cycles, plus other devices not found in Surma. Surma controls motors to operate four valves for differential temperature control minimizing pressures and make up of acid.

Claim 200 adds to claim 198 controller control sequence of operations.

Claims 178, 181, 183, 187, 193 and 200 are not anticipated by Surma.

8., 9. Bremer is not eligible as a reference. The rejection of claims based on Bremer under §103(a) should be withdrawn.

10. On February 4, 2010 Applicant withdrew the Terminal Disclaimer based on Bremer and Carson 6,402,932.

11., 12., 13. Terminal Disclaim based on Patents 7,479,215, 7531,080 and 7,517,445 should not be required.

Figures 2, 3 and 5-12 of the present application are not found in those patents.

14., 15. The rejection parts 14 and 15 should be withdraw.

Figures 2, 3 and 5-12 of the present application are not found in those patents.

16. Applicant has withdrawn the disclaimer.

17. Applicant appreciates the allowance of claims 189-191. It is believed that claim 192 should be included in this group.

18. Newly added claim 208 contains novel structural elements and will be used as a base claim.

CONCLUSION

Reconsideration and allowance are requested.

Respectfully,



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